

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

Before me is Defendants' *Motion to Dismiss*. I heard oral argument on this matter in the on December 13, 2007. This motion has been briefed by the parties and is ripe for decision. For the reasons given in the accompanying *Memorandum Opinion*, I will **GRANT** Defendants' *Motion to Dismiss* with respect to Plaintiffs' MMWA claim under federal law. Because the only remaining claims are based in state law, those claims shall be dismissed without prejudice pursuant to my authority under 28 U.S.C. § 1367(c)(3).

The Clerk is directed to send a copy of this *Order* and the accompanying *Memorandum Opinion* to all counsel of record. The Clerk is also ordered to strike this case from the active docket of this Court.

Entered this 31<sup>st</sup> day of January, 2008.

s/Jackson L. Kiser  
Senior United States District Judge